IN THE HIGH COURT OF DELHI

C.R.P.No. 644/2000

Sh. Sansar Raj & Anr. ..... Petitioners
! through: Mr. Yogender Gautam, Advocate

VERSUS

$ Sh. Ranbir Singh ..... Respondent
^ through: None.

% DATE OF DECISION: 21.11.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**(Oral)
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1. Petitioners are the plaintiffs in a suit for declaration and perpetual injunction. They are aggrieved by the order dated 17.2.2000 passed by the learned Civil Judge allowing an application of Raghubans Singh and Balbir Singh under Order 1 Rule 10. They have been impleaded as defendants.

2. Suit of the plaintiffs i.e. the petitioners seeking declaration and perpetual injunction is based on the claim that they are owners of the suit property by adverse possession. They claimed that defendants 3 to 5 are their tenants. They claimed that defendants 1 & 2 entered into some conspiracy with

defendants 3 to 5. They claimed that because of the conspiracy their title by adverse possession came under cloud.

3. In the written statement filed by defendants 1 & 2 it was pleaded that defendant No. 1 is the owner of the suit property by virtue of his being a recorded non occupancy tenant to the extent of 1/3rd share.

4. Raghubans Singh and Balbir Singh stated in their application under Order 1 Rule 10 CPC that they are the real brothers of defendant No. 1 and are the co-owners of the suit property along with defendant No.1.

5. Learned Trial Judge has therefore opined that since the issue of title by adverse possession against the recorded owners was a subject matter of the suit and that defendant No.1 was the recorded co-owner with 2/3rd share in the suit property and since the applicants were claiming to be the co-owners to the extent of the remaining 1/3rd share in the suit property they would be affected by a decision in the suit and hence were a necessary party.

6. I concur.

7. Suffice would it be to state that the issue of title arose for consideration in the suit. Petitioners impleaded only one of the recorded co-owner having 1/3rd undivided share in the suit land as per the revenue record. Thus, the persons who claimed to

be the owners of the remaining 2/3rd undivided share along with defendant No.1 were a necessary party.

8. Neither has the nature of the suit changed by the fact of impleadment nor has the controversy been widened.

9. There is no merits in the petition.

10. Dismissed.

November 21, 2007 **PRADEEP NANDRAJOG, J.**
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